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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 87 12

8	UNITED STATES OF AMERICA,	)	Magistrate Case No.:
9	Plaintiff,	)	<u>COMPLAINT FOR VIOLATION OF</u>
10	v.	)	Title 8, U.S.C., § 1326
11	Arturo SAMANO-Barrera	)	Attempted Entry After
12	Defendant.	)	Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about August 10, 2008, within the Southern District of California, defendant Arturo SAMANO-Barrera, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

*[Signature]*  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11<sup>st</sup> DAY  
OF AUGUST 2008.

*[Signature]*  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA  
2 v.  
3 Arturo SAMANO-Barrera

4 STATEMENT OF FACTS

5 This complaint is based on the reports and documents furnished  
6 by Border Patrol Agent P. Lagodzinski which is based upon the  
7 statements of the apprehending Border Patrol Agent M. Mireles that the  
8 Defendant was found and arrested on August 10, 2008, approximately  
9 half a mile west of Calexico, CA.

10 Agent Mireles was performing his assigned Border Patrol duties  
11 west of downtown Calexico, CA Port of Entry. At approximately 5:15  
12 a.m. the Remote Video Surveillance System (RVSS) operator observed a  
13 subject later identified as, Arturo SAMANO-Barrera, climb over the  
14 United States/Mexico International Border Fence and illegally enter  
15 the United States. The RVSS operator maintained constant visual of  
16 Arturo SAMANO-Barrera. Agent Mireles responded to the area. The RVSS  
17 operator guided Agent Mireles to Arturo SAMANO-Barrera's location.  
18 Agent Mireles found Arturo SAMANO-Barrera and identified himself as  
19 a United States Border Patrol Agent. Agent Mireles questioned Arturo  
20 SAMANO-Barrera as to his immigration status. Arturo SAMANO-Barrera  
21 stated that he is a citizen of Mexico illegally in the United States.  
22 Arturo SAMANO-Barrera was arrested and transported to the Calexico  
23 Border Patrol Station for further processing.

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25 At the Calexico Station records checks disclosed that Arturo  
26 SAMANO-Barrera was deported on March 2, 2000. Record checks also  
27 revealed that Arturo SAMANO-Barrera has an extensive criminal record.  
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1       There is no evidence Arturo SAMANO-Barrera has sought or receive  
2 permission from the Attorney General or the Secretary of the  
3 Department of Homeland Security to re-enter the United States.  
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